

97A Exchange Street Suite 305 Portland, ME 04101

207-221-6699

www.fbenvironmental.com

Ed Easter Inland Woods + Trails 14 Main Street Bethel, Maine 04217

September 26, 2022

# Subject: Bethel Community Forest Wetlands

Dear Mr. Easter,

As requested by Inland Woods + Trails, FB Environmental Associates (FBE) conducted a wetland delineation within the Bethel Community Forest in Bethel, Maine. FBE carried out the work in support of a project to construct a trail that runs from North Road in Bethel through the Bethel Community Forest northward to Sunday River. The Survey Area for this project encompasses approximately 18 acres (see attached map).

Prior to the field investigation, FBE examined Beginning with Habitat maps, corresponded with the Maine Natural Areas Program (MNAP) regarding the presence of rare or unique botanical features, and the Maine Department of Inland Fisheries and Wildlife (MDIFW) to inquire about known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats, and fisheries habitat concerns within the vicinity of the Survey Area.

Fieldwork was conducted on July 18, 2022, by FBE's Ecological Services Lead and Wetland Scientist Kevin Ryan. Wetlands were identified and delineated in accordance with the 1987 US Army Corps of Engineers (USACE) Wetland Delineation Manual<sup>1</sup> using the methods described in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0.<sup>2</sup> (Copies of completed wetland determination data forms are available upon request.) All wetlands and watercourses were classified using the US Fish and Wildlife Service (USFWS) Classification of Wetlands and Deepwater Habitats of the United States.<sup>3</sup>

Wetland boundaries were marked in the field using pink flagging emblazoned with the words "WETLAND DELINEATION." Stream centerlines were marked with blue flagging. Boundaries of wetlands delineated during the field survey were geo-located using a sub-meter accuracy GPS unit (EOS Arrow-100). The collected GPS data were used to create the attached wetland delineation map.

In Maine, Wetlands of Special Significance (WoSS) are regulated by the Maine Department of Environmental Protection (MDEP) under Chapter 310 of the Maine Natural Resources Protection Act. All coastal wetlands and great ponds (inland bodies of water >10 acres in size) are classified as WoSS. In addition, a freshwater wetland may be considered one of special significance if it: (1) contains a natural community that is critically imperiled or imperiled as defined by the Maine Natural Areas Program; (2) contains significant wildlife habitat; (3) is

<sup>2</sup> U.S. Army Corps of Engineers. 2012. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, C. V. Noble, and J. F. Berkowitz. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

<sup>&</sup>lt;sup>1</sup> Environmental Laboratory. (1987). Corps of Engineers Wetlands Delineation Manual. Wetlands Research Program Technical Report Y-87-1. Vicksburg, MS: US Army Engineer Waterways Experiment Station.

<sup>&</sup>lt;sup>3</sup> Cowardin, L. M., V. Carter, F. C. Golet, E. T. LaRoe. 1979. *Classification of wetlands and deepwater habitats of the United States*. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. 131pp.

located within 250 feet of a coastal wetland; (4) is located within 250 feet of a great pond; (5) contains at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation, or open water; (6) is inundated with floodwater during a 100-year flood event based on flood insurance maps; (7) contains peatlands; or (8) is located within 25 feet of a river, stream or brook. The Survey Area was assessed for WoSS.

### Natural Resource Agency Correspondence

Reply correspondence to FBE's data inquiry letters to Maine natural resource agencies is attached to this letter. Brief summaries are below.

### Maine Natural Areas Program

MNAP correspondence states that according to the information currently in their Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. Note however that the lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. In their correspondence, MNAP included supplemental information regarding two rare natural community types and four rare plant species documented to occur in the vicinity of the Survey Area.

### Maine Department of Inland Fisheries and Wildlife

MDIFW correspondence states that the Department has not mapped any Essential Habitats that would directly be affected by the proposed project. MDIFW documentation provides general guidance pertaining to bats, northern spring salamanders (*Gyrinophilus porphyriticus*), Deer Wintering Areas, Significant Vernal Pools, and fisheries habitat. (Note that part of the eastern portion of the Survey Area is mapped as Deer Wintering Area, however the project as proposed does not impact this area.)

### **Site Description**

The approximately 18-acre Survey Area is predominantly forested consisting of both broad-leaved deciduous and needle-leaved evergreen species. Tree species observed during the field investigation included eastern hemlock (*Tsuga canadensis*), yellow birch (*Betula alleghaniensis*), red maple (*Acer rubrum*), paper birch (*Betula papyrifera*), northern white cedar (*Thuja occidentalis*), and balsam fir (*Abies balsamea*). The understory consists predominantly of saplings of canopy species. Observed groundcover plants included Canada mayflower (*Maianthemum canadense*) and starflower (*Lysimachia borealis*).

A small cleared and excavated area is present at the southeast corner of the Survey Area. This area serves as a *de facto* parking lot for the site and is connected to North Road via an approximately 2,000-foot (0.38-mile) section of trail.

### Soils

According to the U.S. Department of Agriculture Natural Resource Conservation Service<sup>4</sup>, two soil series are mapped within the Survey Area. Vassalboro-Wonsqueak Association, classified as very poorly drained, comprises approximately 67% of the Survey Area and roughly aligns with the area delineated as Wetland A (see below). Lyman-Tunbridge complex, 15 to 35% slopes, very stony, classified as somewhat excessively drained encompasses approximately 24% of the Survey Area. The remaining 9% of the Survey Area is mapped as gravel pit.

### Wetland and Stream Descriptions

FBE identified and delineated two wetland complexes and one stream within the Survey Area. Delineated features are described below and depicted on the wetland delineation map included with this letter. Note that wetland area within 25 feet of a stream is classified as Wetland of Special Significance (WoSS) by MDEP. No potential vernal pools were observed during the field investigation.

<sup>&</sup>lt;sup>4</sup> Soil information obtained from USDA NRCS web soil survey: <u>https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm</u>

The trail to be constructed by Inland Woods + Trails as proposed will traverse Wetland A for 470 feet. The trail is planned to be approximately six feet in width.

# Wetland A

Wetland A encompasses approximately 10 acres of the Survey Area. It is a Northern White Cedar Swamp<sup>5</sup> meeting the Cowardin classification of a seasonally flooded/saturated forested wetland complex having both broad-leaved deciduous and needle-leaved evergreen canopy species (PFO1/4E). The wetland extends beyond the Survey Area boundary to the east, north, and west.

At the USACE plot location, northern white cedar and red maple are dominant in the canopy layer, with some yellow birch also present; the understory consists of sparse balsam fir and yellow birch saplings. Devil's beggarticks (*Bidens frondosa*), cinnamon fern (*Osmundastrum cinnamomeum*), and jewelweed (*Impatiens capensis*) are dominant in the herb layer with dwarf raspberry (*Rubus pubescens*), Canada mayflower, small enchanter's-nightshade (*Circaea alpina*), and greater bladder sedge (*Carex intumescens*) also present.

Soils within the wetland met criteria for hydric soil indicator A1 - Histosol as the soil profile consists of 18+ inches of mucky peat. Observed primary indicators of hydrology within the wetland consisted of A3 - Saturation and B9 - Water-Stained Leaves.

Stream 1 (described below) is embedded within Wetland A. Portions of Wetland A within 25 feet of Stream 1 meet the criteria to be deemed WoSS.

# Stream 1

Stream 1 is an unnamed stream within the Androscoggin River watershed that originates within Wetland A. The stream contained very little standing water in several spots and no flowing water during the field investigation. When flowing, the stream does so beyond the Survey Area boundary to the southeast. The watercourse meets the Cowardin classification of an intermittent riverine system with a mud substrate (R4SB5). Bank width of the stream within the Survey Area ranges from approximately 4 to 8 feet.

# Wetland B

Wetland B is situated in and is partially the result of excavation in the southeast quadrant of the Survey Area. The wetland is a complex with forested, open water, and scrub-shrub components. As such, portions of Wetland B meet the Cowardin classification of an excavated, seasonally flooded/saturated palustrine forested wetland having both broad-leaved deciduous and needle-leaved evergreen canopy species (PFO1/4Ex), seasonally flooded/saturated palustrine scrub-shrub wetland (PSS1Ex), and semipermanently flooded palustrine unconsolidated bottom wetland (PUBFx). The wetland is separated from Wetland A by an earthen berm along its eastern boundary.

Due to the previous excavation the wetland contains several small pockets of open water bordered by wetland vegetation. Observed species included speckled alder (*Alnus incana*), meadowsweet (*Spiraea alba*), barber-pole bulrush (*Scirpus microcarpus*), and swamp yellow-loosestrife (*Lysimachia terrestris*). Patches of *Sphagnum* moss are also present within the wetland.

Wetland B does not meet the criteria to be considered WoSS.

<sup>&</sup>lt;sup>5</sup> Per Gawler and Cutko's (2010) Natural Landscapes of Maine: A Guide to Natural Communities and Ecosystems.

### **Federal and State Wetland Regulations**

The USACE regulates activities within "waters of the United States" under the provisions of Section 404 of the Clean Water Act. The USACE has issued a Programmatic General Permit for the State of Maine that merges the federal and state permit review process for many projects. In Maine, wetlands and waterbodies, as well as other protected resources are regulated under the Natural Resources Protection Act (NRPA).

Types of permit applications under NRPA include (in order from least complex to most complex) Permit-by-Rule, Tier 1, Tier 2, and Tier 3. Projects that impact less than 4,300 square feet of wetland are usually exempt from NRPA Tier permitting requirements. This exemption does not apply if the impact is to WoSS.

Projects with cumulative impacts to freshwater wetlands between 4,300 and 15,000 square feet are usually eligible for the Tier 1 review process. The Tier 2 process applies to impacts that affect 15,000 to 43,560 square feet (one acre) of freshwater wetlands. Cumulative impacts to freshwater wetlands that exceed one acre in most cases will require the Tier 3 review process. Impacts to Wetlands of Special Significance (WoSS), rivers, streams and brooks, great ponds, and Significant Wildlife Habitat typically require an individual permit.

From a synthesis of information obtained via desktop research, natural resource agency correspondence, and the field investigation, wetlands at the site do not meet the criteria to be considered WoSS, except for the area of Wetland A within 25 feet of Stream 1.

FBE understands that as of the drafting of this letter, Inland Woods + Trails plans to traverse the 470-foot section of forested wetland with a trail that will consist of a 6 to 8-inch thick by 6-foot-wide layer of gravel-soil mixture that will be placed on the existing surface of the wetland. As this activity will not result in greater than 4,300 square feet of fill to the wetland, a permit is not required under NRPA. This was confirmed by Erich Kluck of MDEP's Bureau of Land Resources via telephone on 14 September 2022.

FBE also spoke with Randy Thurston, Code Enforcement Officer for the Town of Bethel, via telephone on 19 September. Mr. Thurston stated that the town generally follows state guidelines regarding such projects, and therefore for this project, Inland Woods + Trails does not need to acquire any permits from the town.

Thank you for the opportunity to assist Inland Woods + Trails with this project. Please do not hesitate to contact me if you have questions or need additional information.

Regards,

Ken Agen

Kevin Ryan Ecological Services Division Lead FB Environmental Associates



### System L - Lacustrine 2 - Littoral Subsystem 1 - Limnetic RB – Rock UB – Unconsolidated AB – Aquatic Bed RS - Rocky US - Unconsolidated EM - Emergent RB - Rock UB - Unconsolidated AB - Aquatic Bed Class Bottom Shore Shore Bottom Bottom Bottom 1 Cobble-Gravel Subclass 1 Bedrock 1 Cobble-Gravel 1 Algal 1 Bedrock 1 Cobble-Gravel 1 Algal 1 Bedrock 2 Nonpersistent 2 Rubble 2 Sand 2 Aquatic Moss 2 Rubble 2 Sand 2 Aquatic Moss 2 Rubble 2 Sand 3 Mud 3 Rooted Vascular 3 Mud 3 Rooted Vascular 3 Mud 4 Organic 4 Floating Vascular 4 Organic 4 Floating Vascular 4 Organic 5 Vegetated P - Palustrine System FO - Forested Class RB - Rock UB – Unconsolidated AB – Aquatic Bed US – Unconsolidated ML – Moss-Lichen EM – Emergent SS - Scrub-Shrub Bottom Bottom Shore 1 Cobble-Gravel 1 Cobble-Gravel 1 Bedrock 1 Algal 1 Moss 1 Persistent 1 Broad-Leaved Deciduous 1 Broad-Leaved Deciduous Subclass 2 Rubble 2 Sand 2 Aquatic Moss 2 Sand 2 Lichen 2 Nonpersistent 2 Needle-Leaved Deciduous 2 Needle-Leaved Deciduous 3 Broad-Leaved Evergreen 3 Broad-Leaved Evergreen 3 Mud 3 Rooted Vascular 3 Mud 5 Phragmites australis 4 Needle-Leaved Evergreen 4 Organic 4 Floating Vascular 4 Organic 4 Needle-Leaved Evergreen 5 Vegetated 5 Dead 5 Dead

5	In order to more ade pecial modifiers maybe	N quately describe the wetland and deep applied at the class or lower level in the	IODIFIERS water habitats, one or more o hierarchy. The farmed mod	of the water regime, water ifier may also be applied to	chemistry, soil, or o the ecological sys	tem.	
Water Regime			Special Modifiers	Water Chemistry			Soil
Nontidal	Saltwater Tidal	Freshwater Tidal		Coastal Halinity	Inland Salinity	pH Modifiers for all Fresh Water	
A Temporarily Flooded	L Subtidal	S Temporarily Flooded-Tidal	b Beaver	1 Hyperhaline	7 Hypersaline	a Acid	g Organic
B Saturated	M Irregularly Exposed	R Seasonally Flooded-Tidal	d Partly Drained/Ditched	2 Euhaline	8 Eusaline	t Circumneutral	n Mineral
C Seasonally Flooded	N Regularly Flooded	T Semipermanently Flooded-Tidal	f Farmed	3 Mixohaline (Brackish)	9 Mixosaline	i Alkaline	
E Seasonally Flooded/	P Irregularly Flooded	V Permanently Flooded-Tidal	h Diked/Impounded	4 Polyhaline	0 Fresh		
Saturated			r Artificial	5 Mesohaline			
F Semipermanently Flooded			s Spoil	6 Oligo haline			
G Intermittently Exposed			x Excavated	0 Fresh			
H Permanently Flooded							
J Intermittently Flooded							
K Artificially Flooded							

6 Deciduous

7 Evergreen

6 Deciduous

7 Evergreen

### WETLANDS AND DEEPWATER HABITATS CLASSIFICATION

### WETLANDS AND DEEPWATER HABITATS CLASSIFICATION



# **Site Photographs**



Photo 1. Wetland A is a Northern White Cedar Swamp.



**Photo 2.** Wetland A at the location of the USACE wetland data plot.



**Photo 3.** Stream 1 is associated with Wetland A. It begins within the wetland and flows beyond the Survey Area to the southeast.

**Photo 4.** A representative photograph of upland (non-wetland) forest within the Survey Area.



**Photo 5.** The southeastern end of Wetland B – a small area of open water flanked by wetland vegetation.



Photo 6. Another area of standing water within Wetland B.



Photo 7. A scrub-shrub section of Wetland B.



**Photo 8.** An area of open water at the north end of Wetland B. The view is from the earthen berm which separates the wetland from Wetland A.



STATE OF MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

> 177 STATE HOUSE STATION AUGUSTA, MAINE 04333

Amanda E. Beal Commissioner

JANET T. MILLS GOVERNOR

September 2, 2022

Elliott Boardman FB Environmental 97A Exchange St, Suite 305 Portland, ME 04101

Via email: elliottb@fbenvironmental.com

Re: Rare and exemplary botanical features in proximity to: Inland Woods and Waters, Connector Trail, Bethel, Maine

Dear Mr. Boardman:

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files in response to your request received August 30, 2022 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Bethel, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

MOLLY DOCHERTY, DIRECTOR MAINE NATURAL AREAS PROGRAM BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-804490 WWW.MAINE.GOV/DACF/MNAP Letter to FB Environmental Comments RE: Inland Woods & Waters, Bethel September 2, 2022 Page 2 of 2

The Maine Natural Areas Program (MNAP) is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. MNAP welcomes coordination with individuals or organizations proposing environmental alteration or conducting environmental assessments. If, however, data provided by MNAP are to be published in any form, the Program should be informed at the outset and credited as the source.

The Maine Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for two hours of our services.

Thank you for using MNAP in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

Lisa St. Hilaire

Lisa St. Hilaire | Information Manager | Maine Natural Areas Program 207-287-8044 | <u>lisa.st.hilaire@maine.gov</u>

# Rare and Exemplary Botanical Features within 4 miles of Project: Inland Woods and Waters, Natural Resource Assessment/Connector Trail, Bethel, ME

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Enriched Northerr	Hardwoods					
		S3	GNR	2003-06-13	20	
Pale Jewel-weed						
	SC	S2	G5	1990-08-16	11	Hardwood to mixed forest (forest, upland)
Pubescent sedge						
	SC	S2	G5	2016-07-06	13	
Silver Maple Flood	lplain Forest					
		S3	GNR	2007	19	
Wild Leek						
	SC	S3	G5	1994-09-26	23	Hardwood to mixed forest (forest, upland),Forested

Date Exported: 2022-09-02 11:46

# **Conservation Status Ranks**

**State and Global Ranks**: This ranking system facilitates a quick assessment of a species' or habitat type's rarity and is the primary tool used to develop conservation, protection, and restoration priorities for individual species and natural habitat types. Each species or habitat is assigned both a state (S) and global (G) rank on a scale of critically imperiled (1) to secure (5). Factors such as range extent, the number of occurrences, intensity of threats, etc., contribute to the assignment of state and global ranks. The definitions for state and global ranks are comparable but applied at different geographic scales; something that is state imperiled may be globally secure.

Rank Definition **S1 Critically Imperiled** – At very high risk of extinction or elimination due to very restricted G1 range, very few populations or occurrences, very steep declines, very severe threats, or other factors. **S2** Imperiled – At high risk of extinction or elimination due to restricted range, few G2 populations or occurrences, steep declines, severe threats, or other factors. **S3 Vulnerable** – At moderate risk of extinction or elimination due to a fairly restricted range, G3 relatively few populations or occurrences, recent and widespread declines, threats, or other factors. **S4** Apparently Secure – At fairly low risk of extinction or elimination due to an extensive G4 range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors. **S5 Secure** – At very low risk of extinction or elimination due to a very extensive range, G5 abundant populations or occurrences, and little to no concern from declines or threats. SX **Presumed Extinct** – Not located despite intensive searches and virtually no likelihood of GX rediscovery. SH Possibly Extinct - Known from only historical occurrences but still some hope of GH rediscovery. S#S# **Range Rank** – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of G#G# uncertainty about the status of the species or ecosystem. SU **Unrankable** – Currently unrankable due to lack of information or due to substantially GU conflicting information about status or trends. **GNR** Unranked - Global or subnational conservation status not yet assessed. SNR **SNA Not Applicable** – A conservation status rank is not applicable because the species or **GNA** ecosystem is not a suitable target for conservation activities (e.g., non-native species or ecosystems. Qualifier Definition S#? Inexact Numeric Rank – Denotes inexact numeric rank. G#? Q Questionable taxonomy that may reduce conservation priority – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable. The "Q" modifier is only used at a global level. T# **Infraspecific Taxon (trinomial)** – The status of infraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

The information supporting these ranks is developed and maintained by the Maine Natural Areas Program (state ranks) and NatureServe (global ranks).

**State Status**: Endangered and Threatened are legal status designations authorized by statute. Please refer to MRSA Title 12, §544 and §544-B.

Status	Definition
E	Endangered – Any native plant species in danger of extinction throughout all or a
	significant portion of its range within the State or Federally listed as Endangered.
Т	Threatened – Any native plant species likely to become endangered within the
	foreseeable future throughout all or a significant portion of its range in the State or
	Federally listed as Threatened.
SC	Special Concern – A native plant species that is rare in the State, but not rare enough to
	be considered Threatened or Endangered.
PE	Potentially Extirpated – A native plant species that has not been documented in the State
	in over 20 years, or loss of the last known occurrence.

**Element Occurrence (EO) Ranks**: Quality assessments that designate viability of a population or integrity of habitat. These ranks are based on size, condition, and landscape context. Range ranks (e.g., AB, BC) and uncertainty ranks (e.g., B?) are allowed. The Maine Natural Areas Program tracks all occurrences of rare plants and natural communities/ecosystems (S1-S3) as well as exemplary common natural community types (S4-S5 with EO ranks A/B).

Rank	Definition
Α	Excellent – Excellent estimated viability/ecological integrity.
В	Good – Good estimated viability/ecological integrity.
С	Fair – Fair estimated viability/ecological integrity.
D	Poor – Poor estimated viability/ecological integrity.
E	Extant – Verified extant, but viability/ecological integrity not assessed.
н	Historical – Lack of field information within past 20 years verifying continued existence of
	the occurrence, but not enough to document extirpation.
Х	Extirpated – Documented loss of population/destruction of habitat.
U	Unrankable – Occurrence unable to be ranked due to lack of sufficient information (e.g.,
	possible mistaken identification).
NR	Not Ranked – An occurrence rank has not been assigned.

Visit the Maine Natural Areas Program website for more information <u>http://www.maine.gov/dacf/mnap</u>





STATE OF MAINE DEPARTMENT OF INLAND FISHERIES & WILDLIFE 353 WATER STREET 41 STATE HOUSE STATION AUGUSTA ME 04333-0041



September 1, 2022

Elliott Boardman FB Environmental 97A Exchange Street, Suite 305 Portland, ME 04101

# **RE: Information Request – North Road Project, Bethel**

Dear Elliott:

Per your request received on August 30, 2022, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns within the vicinity of the *North Road* project in Bethel. For purposes of this review, we are assuming there will be limited instream work associated with your project.

Our Department has not mapped any Essential Habitats that would be directly affected by your project.

# Endangered, Threatened, and Special Concern Species

<u>Bat Species</u> – Of the eight species of bats that occur in Maine, the three *Myotis* species are protected under Maine's Endangered Species Act (MESA) and are afforded special protection under 12 M.R.S §12801 - §12810. The three *Myotis* species include little brown bat (State Endangered), northern longeared bat (State Endangered), and eastern small-footed bat (State Threatened). The five remaining bat species are listed as Special Concern: big brown bat, red bat, hoary bat, silver-haired bat, and tri-colored bat. While a comprehensive statewide inventory for bats has not been completed, based on historical evidence it is likely that several of these species occur within the project area during migration and/or the breeding season. However, our Agency does not anticipate significant impacts to any of the bat species as a result of this project.

<u>Northern Spring Salamander</u> - Northern spring salamanders, a State-listed Species of Special Concern, may occur in the project area. Any instream work in unmapped perennial or intermittent streams has the potential to impact this species (i.e., high elevation headwater streams) but they are also found in larger third order streams and rivers with suitable substrate (large cobble and/or gravel bars) within the documented range of primarily the western Maine mountains north and east into mountains of central Penobscot County. Some limited movement of rocks within stream channels for purposes of creating a ford, assuming passage is not impeded, is anticipated to cause minimal impacts to this species. However, if a crossing structure needs to be installed, please contact our Department for further guidance.

# Significant Wildlife Habitat

<u>Deer Wintering Areas (DWAs)</u> – The project search area intersects with a DWA. DWAs contain habitat cover components that provide conditions where deer find protection from deep snow and cold wind, which is important for overwinter survival. MDIFW recommends that development projects be designed

Letter to Elliott Boardman, FB Environmental Comments RE: North Road, Bethel September 1, 2022

to avoid losses or impacts to the continued availability of coniferous winter shelter. Any removal of vegetation should be conducted in such a way that improves the quality and vigor of the coniferous species providing this winter shelter.

<u>Significant Vernal Pools</u> - At this time, MDIFW Significant Wildlife Habitat maps indicate no known presence of Significant Vernal Pools in the project search area; however, a comprehensive statewide inventory for Significant Vernal Pools has not been completed. Vernal pools are shallow depressions that usually contain water for only part of the year and typically dry out by mid to late summer. Although vernal pools may only contain water for a relatively short period of time, they serve as unique breeding habitat for certain species of wildlife, including salamanders and frogs. Since vernal pools dry out on a regular basis, they can easily be missed during dry conditions. Our Department recommends that any potential Significant Vernal Pool depressions be avoided; however, without additional information on the individual wetlands being crossed, it is possible that portions of the project may intersect with vernal pools. Therefore, we recommend verification by a qualified wetland scientist to determine if the trail will directly impact any potential Significant Vernal Pools. In the event that the proposed trail is found to intersect with such features, we recommend that the trail be rerouted around any vernal pool depressions to avoid direct impacts to this important habitat. Additionally, we recommend that bog bridges in wetland areas be elevated to allow for movement of amphibians and other small animals.

### Fisheries Habitat

Construction Best Management Practices should be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts as eroding soils from construction activities can travel significant distances as well as transport other pollutants resulting in direct impacts to fisheries and aquatic habitat.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program, Maine Department of Marine Resources, and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

Becca Settele Wildlife Biologist

